

FILED

3/4/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

PACIFIC NORTHWEST SOLAR,  
LLC,

Plaintiff,

vs.

NORTHWESTERN CORPORATION,  
A DELAWARE CORPORATION  
DBA NORTHWESTERN ENERGY,

Defendant.

No. CV-16-114-H-SEH

**ORDER**

The Court conducted hearings on Defendant North Western Corporation's Motion for Partial Summary Judgment Dismissing Count VI (Declaratory Judgment) for Lack of Subject Matter Jurisdiction,<sup>1</sup> Defendant North Western

---

<sup>1</sup> Doc. 141.

Corporation's Motion for Partial Summary Judgment on Plaintiff's Breach of Good Faith and Fair Dealing, Negligent Misrepresentation, Constructive Fraud, and Actual Fraud Claims,<sup>2</sup> Defendant NorthWestern Corporation's Motion for Summary Judgment,<sup>3</sup> and Pacific Northwest Solar, LLC's Motion to Renew its Motion for Summary Judgment on its Sixth Cause of Action<sup>4</sup> on March 4, 2019.

Upon the record made in open court,

**ORDERED:**

1. Defendant NorthWestern Corporation's Motion for Partial Summary Judgment Dismissing Count VI (Declaratory Judgment) for Lack of Subject Matter Jurisdiction<sup>5</sup> is DENIED.

2. Defendant NorthWestern Corporation's Motion for Partial Summary Judgment on Plaintiff's Breach of Good Faith and Fair Dealing, Negligent Misrepresentation, Constructive Fraud, and Actual Fraud Claims<sup>6</sup> is DENIED.

---

<sup>2</sup> Doc. 143.

<sup>3</sup> Doc. 145.

<sup>4</sup> Doc. 158.

<sup>5</sup> Doc. 141.

<sup>6</sup> Doc. 143.

3. Defendant NorthWestern Corporation's Motion for Summary Judgment<sup>7</sup> is DENIED.

4. Pacific Northwest Solar, LLC's Motion to Renew its Motion for Summary Judgment on its Sixth Cause of Action<sup>8</sup> is DENIED.


FURTHER ORDERED:

1. The Defendant's unopposed motion, made in open court, to extend the proposed final pretrial order filing deadline is GRANTED. The proposed final pretrial order shall be filed on or before March 29, 2019.

2. A statement specifying the number of days required for trial shall be filed on or before March 6, 2019.

3. The Court may schedule and conduct a further hearing or hearings to address admission of evidence and trial-related issues if necessary and appropriate.

DATED this 4<sup>th</sup> day of March, 2019.

  
SAM E. HADDON  
United States District Judge

---

<sup>7</sup> Doc. 145.

<sup>8</sup> Doc. 158.